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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,205	03/20/2001	Gregg S. Schmidtke	10013284-1	1959

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

STRECKER, GERARD R

ART UNIT	PAPER NUMBER
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2862

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,205

Applicant(s)

SCHMIDTKE ET AL.

Examiner

Gerard Strecker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 and 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Applicant's new title is less aptly descriptive of the invention claimed than the original title. Accordingly, a new title is required that is clearly indicative of the invention to which the claims are directed.

Claims 1, 3-12 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashe et al (6,178,016), hereinafter Ashe, in view of Harrigan et al (6,069,752), hereinafter Harrigan.

With respect to apparatus claims 1, 3, 4 and 9, Ashe discloses (Figs. 2-8) an imaging apparatus 50 comprising: an imaging apparatus housing (70, 72, 74, 64), said housing comprising a first reference surface (one of spring biased pressure pads 105), a second reference surface (other one of spring biased pressure pads 105) coplanar with said first reference surface and separated by a recess; a cylindrical lens assembly 76 in contact with the first and second reference surfaces; and a photo sensor assembly (63, 66) in contact with a surface of housing portion 64 (Figs. 6 and 8). With respect to claim 9, the reference surfaces 105 are integrally formed in wall member 74 (lower body portion of housing 70) via collar segment 103, and retention arm 106 of wall member 74 (Fig. 5) constitutes a mounting mechanism. Mirror 90, which may be characterized as a light source, is mounted on arm 106. With respect to method claims 10-15, the lens 77 of lens assembly 76 is aligned using reference surfaces 105. See col. 4, line 63-col. 5, line 27.

Ashe's first and second pressure pad reference surfaces, being spring biased, are not rigidly affixed to the housing as recited in independent claims 1 and 10. In addition, Ashe's

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housing does not have third and fourth reference surfaces with which the lens assembly is in contact as recited in dependent claims 5 and 16.

Harrigan (Figs. 1, 2 and 6-8) discloses an imaging apparatus comprising: an imaging apparatus housing 84, said housing (see col. 8, beginning at line 61) comprising (Fig. 7) a first reference surface (one of surfaces 82a), a second reference surface (corresponding one of surfaces 82b), a third reference surface (other one of surfaces 82a), and a fourth reference surface (corresponding other one of surfaces 82b). As can be seen from fig. 7, the corresponding first and second surfaces 82a and 82b are coplanar and a recess is formed therebetween. Likewise, the corresponding third and fourth surfaces are coplanar and formed with a recess therebetween. The first and third surfaces together form a V-shaped configuration as do the second and fourth surfaces. The reference surfaces are rigidly affixed to the housing. A lens assembly 80 having a cylindrical outer profile (80a, 80b) is in contact with the reference surfaces. The reference surfaces 82a and 82b are used to align the lens of the lens assembly.

It would have been obvious to one skilled in the art, at the time of the invention, to provide the imaging apparatus of Ashe with a different type of reference surface arrangement for supporting and aligning the lens assembly, such as the rigidity affixed, V-shaped, four surface configuration disclosed by Harrigan. A four surface support configuration would provide a more stable support for the lens assembly and eliminate the need for spring biasing the pair of pad reference surfaces.

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Applicant's arguments filed 10/15/03 have been fully considered but they are not persuasive. Although applicant has amended the claims to include certain features not shown by Ashe individually and certain features not shown by Harrigan individually, it is believed that the claimed subject matter is obvious in view of the combination of Ashe and Harrigan (the basis on which claims 5-8 and 16-19 were rejected in the previous office action) as set forth in the rejection above, and that applicant has failed to adequately address and refute the validity of such combination rejection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to G. R. Strecker at telephone number 305-4937.

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Strecker/ek

11/25/03

Gerard R. Strecker
GERARD R. STRECKER
PRIMARY EXAMINER